IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 5029 of 2006(W)

PETITIONERS:

1. **UMMU, AGED 50 YEARS,**
   PUTHUVEETTIL HOUSE, MUTHUVATTOOR,
   GURUVAYUR, CHAVAKKAD.

2. **SHAKERA, D/O.IST PETITIONER, DO.**

BY ADV. SRI.M.L.SURESH KUMAR.

RESPONDENTS:

1. **STATE OF KERALA, REP. BY THE**
   CHIEF SECRETARY, SECRETARIAT,THIRUVANANTHAPURAM.

2. **REVENUE DIVISIONAL OFFICER,**
   THRISSUR, COLLECTORATE, AYYANTHOLE, THRISSUR.

3. **EXECUTIVE MAGISTRATE & TAHSILDAR,**
   TALUK OFFICE, CHAVAKKAD.

4. **VILLAGE OFFICER, VILLAGE OFFICE,**
   GURUVAYOOR.

W.P.(C). NO.5029/2006:

5. SMT.C.L.ITTIANAM,
D/O.CHERUVATHOOR LAZAR, PALAYUR DESOM,
GURUVAYOOR, DT. TRICHUR.

BY ADV. SRI.K.RAMACHANDRAN,
SRI.P.RAMACHANDRAN,
SMT.R.MEERA,
SMT.RESHMI RAMKUMAR,
SRI.K.MOHAMMED FAISAL NAHA,
GOVERNMENT PLEADER SRI. M.R. SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5029/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGEMENT DTD. 18/07/89 IN O.P. 5741/89.

EXT.P.2: COPY OF THE JUDGMENT DTD. 19/06/91 IN O.P. 6212/91.

EXT.P.3: COPY OF THE ORDER NO. B1-1334/88 DTD. 30/09/92 ISSUED BY THE SUB COLLECTOR.

EXT.P.4: COPY OF THE NOTICE NO. 133/93 DTD. 24/12/96 ISSUED BY THE REVENUE INSPECTOR, CHAVAKKAD.

EXT.P.5: COPY OF THE NOTICE NO. B2-9927/97 ISSUED BY THE R.2. DTD. 13/06/2002.

EXT.P.6: COPY OF THE ORDER NO. B2-15051/04 DTD. 21/11/05 BY THE R.2.

EXT.P.7: COPY OF THE REVIEW PETITION DTD. 28/12/05.

EXT.P.8: COPY OF THE ORDER DTD. 06/02/06.

EXT.P.9: COPY OF THE NOTICE NO. B3-2512/91 DTD. 17/02/06.

RESPONDENT'S EXHIBIT:

EXT.R5.A: COPY OF THE AWARD DTD. 31/08/2005.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

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W.P.(C) No. 5029 OF 2006 W
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Dated this the 19th September, 2007

J U D G M E N T

This writ petition is filed challenging Exts. P6, P8 and P9 orders passed by respondents 2 and 3. Petitioner also seeks a direction to the 2nd respondent to consider and pass orders on Ext. P7 review petition. Ext. P6 is an order passed by the 2nd respondent in exercise of the powers conferred under Section 75(2) of the Kerala Land Reforms Act for shifting kudikidappu of one Kunjumohammed who is now no more and the petitioners claim to be two of his legal representatives.

2. Ext. P6 order has not been appealed or modified and has then become final. Ext. P8 is a notice issued for expeditious implementation of Ext. P6 order and it is following Ext. P8 that Ext. P9 was issued. Therefore, the origin of the proceedings is from Ext. P6 order which remained unchallenged and has attained finality. Although the petition has been filed as Ext. P7 seeking review of Ext. P6, in the absence of any

power of review conferred under the statute, review power cannot be exercised. If that be so, Ext. P7 application for review also lacks merit. Thus Ext. P6 is a valid order and it has to be implemented in its true spirit.

3. Even otherwise I notice in the files of this case that all the conditions for passing an order under Section 75(2) has been satisfied. Land has been acquired and the 5th respondent has remitted the award amount as per Ext. R5(a) and the State is ready for shifting the kudikidappu. Therefore, there should not be any impediment in the implementation of Ext. P6. The result is that the writ petition lacks merit and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-